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**CITY OF BURLINGTON**  
**Committee of the Whole Minutes**  
**Jeannie Hefty, Mayor**  
**Diahnn Halbach, City Clerk**  
**Tuesday, March 19, 2019**

1. **Call to Order - Roll Call**

Mayor Hefty called the Committee of the Whole meeting to order at 6:30 p.m. Roll Call - Present: Mayor Hefty, Alderman Susan Kott, Alderman Theresa Meyer, Alderman Bob Grandi, Alderman Ryan Heft, Alderman Steve Rauch, Alderman Jon Schultz, Alderman Tom Preusker, Alderman Todd Bauman. Excused: None.

Student Representatives - Present: Jack Schoepke (BHS), Morgan Tracy (BHS). Excused: None.

Staff present: Administrator Carina Walters, City Attorney John Bjelajac, Finance Director Steve DeQuaker, Assistant City Administrator/Zoning Administrator Megan Watkins, Public Works Director Peter Riggs, Fire Chief Alan Babe, Police Chief Mark Anderson, Library Director Joe Davies, and Intern Nick Faust.

2. **Citizen Comments**

Frank Korb, 717 Shiloh Court, introduced himself and stated that he is one of the candidates on the ballot for the 4th District and encouraged everyone to get out and vote on April 2, 2019.

3. **Approval of the March 5, 2019 Common Council Minutes**

Motion: Alderman Heft. Second: Alderman Bauman. With all in favor, the motion carried.

4. **PRESENTATIONS:**

A. A presentation from the Central Racine County Health Department regarding their Annual Report.

Margaret Gessner, Health Officer, provided an overview of the Central Racine County Health Department (CRCHD) 2018 Year in Review and goals for 2019. Gessner stated that the CRCHD maintained a sharp focus on their core functions of assurance, assessment, and policy development while also pursuing national public health accreditation and ensuring delivery of required and new programs and services. Gessner also stated that revenues increased by 11%, with 96% of the increase from additional grant funding, service fees and contracted services; while the remaining increases were due to population changes and average new growth of 1.25%.

Alderman Grandi commented on the increase in grant funding and the decrease in the levy and asked if that was a potential problem for the future. Gessner responded that she isn't as concerned as maybe she should be, because they are mainly dependent on grants and without the grants, core services would be heavily impacted.

Alderman Rauch asked about the 184 animal bite incidents and wanted to know how they are notified. Gessner responded that they are notified by either law enforcement, the hospital or the clinic. Alderman Rauch then asked if the incidents typically happen on public or private property. Gessner replied that the incidents are more likely to happen on private property.

- B. A presentation from the Burlington Area Chamber of Commerce regarding their Annual Report.

Jan Ludtke, Chamber of Commerce representative, provided an overview of their marketing and economic development efforts for 2018. Ludtke announced that they have contracted with Discover Wisconsin to film a segment for the television program which will premier in 2020 and will focus on "Trails - walking, riding, fun, and historic". Ludtke then reviewed the Chamber's revenue's and expenses for 2018 and stated that the total received for room taxes in 2018 amounted to \$47,176.26.

Alderman Schultz commented that the Chamber's marketing expenses totaled about \$100,000 per year and wanted to know what their overall expenses amounted to. Ludtke responded that total expenses was about \$225,000 per year.

5. **RESOLUTIONS:**

- A. **Resolution 4940(42)** - To approve Change Order Number 1 for Well #11 Radium Compliance Improvements.

Director Riggs provided an overview of the Well #11 project in which the City was awarded a Safe Water Drinking Loan in the amount of \$1,054,675 to fund the project. Riggs stated that in February 2017, the work was awarded to Butters Fetting Co., for a cost of \$847,500; however additional paving, additional pipes and interior painting, and electrical modifications were necessary for the use, protection, and effective operation of the Well and the softening system, which resulted in an additional \$19,928.70. Riggs further stated that the total cost of the project still remains under the loan amount. Riggs also stated that the cost of the Change Order was reduced from the initial requested amount after City staff and Baxter & Woodman negotiated with Butters Fetting.

Alderman Schultz asked how it was possible to reduce a change order and wanted to know if they were overcharging the City. Riggs explained that staff was made aware of the additional work once they were onsite and compared their records with Butters Fetting and were able to resolve any discrepancies. Alderman Schultz asked if this is typical and felt it was a rip off. Riggs replied that sometimes there is grey area but that is why there is a project manager on site to measure and make sure everything is in agreement to what's been done and is within the scope of the agreement.

- B. **Resolution 4941(43)** - To approve a Work Order with Baxter & Woodman, Inc. for Preparation of an Adaptive Management Plan.

Director Riggs explained that the City of Burlington is permitted by the DNR through the Wisconsin Pollution Discharge Elimination System (WPDES) to own and operate the wastewater treatment plant, which requires compliance with limits on the effluent discharged from the plant, specifically phosphorus. Riggs stated that the DNR also requires a series of reports to show how permit holders plan to achieve compliancy, which is then monitored. Riggs then presented three options for Council to consider, and stated that staff and Baxter & Woodman recommend Option 3, Adaptive Management, as the most efficient and lowest cost attainable option to achieve compliance with the DNR and WPDES requirements for phosphorous.

Alderman Rauch asked if the Adaptive Management Plan would create deed restrictions which would take farmland out of agricultural production in order to infiltrate the water instead of running into ditches that runs into the river. Riggs responded that it could be much simpler than that by creating vegetative buffers, increase shoreline stabilization, or utilize cover crops which helps to stabilize the soil and uses in a natural way. Riggs stated that there is interest within the agricultural community and they want to pursue this, but they need financing.

Alderman Grandi asked what is meant by "upstream dischargers" and how does it work. Riggs responded that there are municipalities located upstream who must also comply with the discharge limits, so if they are limiting their phosphorus output, it will help bring the river into compliance naturally, which will be helpful to the City.

Alderman Schultz stated that this requires participation by everybody along the river, because if we

reduce our portion to zero, yet properties located upstream don't comply, then we've just spent a lot of money for nothing. Schultz then asked if a new wastewater treatment plant were to be built, would the City be required to reach compliancy via the river, or just through the output of the treatment plant. Riggs responded that the City would then only be responsible for the output.

Alderman Grandi asked where are readings taken. Riggs responded that various locations are tested and will follow up with specific locations.

6. **ORDINANCES:**

- A. **Ordinance 2046(12)** - To amend Chapter 104-8(C) and 234-2(B) of the City of Burlington Municipal Code to Allow Dogs in City Parks.

Director Riggs explained that at the February 20, 2019 Committee of the Whole meeting, staff was directed to present a change to the code that would allow dogs in city parks and then presented the amendment to the existing ordinance.

After much discussion and several public comments, Council expressed concern for both safety and sanitation and suggested a stricter ordinance which would allow dogs in the parks, however, residents would need to comply with a designated leash limit and impose fines to those who don't pick up after their pets. Alderman Schultz agreed with the restrictions but also felt dogs should be prohibited from public events, stating that 10% of people have a fear of dogs which creates a negative impact for those affected. Alderman Grandi added that dogs should be prohibited from Beaumont Park. Alderman Preusker suggested a trial period from May until September.

- B. **Ordinance 2047(13)** - To approve annexing territory located at 1063 Spring Valley Road (51-002-02-19-06-016-000) to the City of Burlington, Racine County, Wisconsin.

Zoning Administrator Watkins explained that this is the final step in the annexation process. Alderman Rauch asked if the residents are 100% responsible for the water and sewer hook-up. Watkins responded that the residents would be 100% responsible.

- C. **Ordinance 2048(14)** - To consider approval of a Rezone Map Amendment request at 157 S. Pine Street from B-2 District to Rd-2 District.

Zoning Administrator Watkins explained that this property is the former Daniel Law Firm which was zoned B-2 and did not allow for first floor apartments. Watkins stated that the applicant is requesting the rezone in order to use the property for multi-family housing, which is directly adjacent to the Rd-2 district and qualifies for the rezone.

7. **MOTIONS:**

- A. **Motion 19-924** - To consider approval of the Southeastern Wisconsin Regional Planning Commission (SEWRPC) Stormwater Management Evaluation Study of the industrial area on the southwest side of the City that includes Lavelle Industries, KW Precast, Ardagh Group, WeEnergies, Asphalt Contractors, and Cretex Materials properties.

Administrator Walters explained that Lavelle Industries has had a long history of flooding on their site and as a result of the 2017 flood, the City and surrounding businesses expressed their concern to Legislators and due to the regional impact, a study of the storm water in the southwestern portion of the City along McHenry Avenue was conducted. Walters further stated that SEWRPC has spent approximately one year studying the storm system in order to identify the storm water route. Walters then introduced Laura Herrick, Chief Environmental Engineer for SEWRPC, to present their findings.

Herrick presented the report and findings of the study which have indicated that no single storm water management alternative considered for this study would prevent flooding at the study site area on its own.

Paul Sullivan, owner of Lavelle Industries, stated that he liked the study and thought it was a good starting point, however, they have been waiting to do their expansion and the options shown would take a long time to implement and they are running out of time. Sullivan stated that they already contain their own water, but questioned if it was possible to prevent others from feeding into it, if that would be sufficient enough to alleviate the problem and if not, they need to come up with other alternatives, otherwise it would be years before they could do an expansion.

Peter Scherrer, PSG, stated that Ardagh dumps 67 drainage acres into the municipal storm sewer and felt that if Ardagh had storage ponds on their property and if all the other businesses stopped draining their water onto the Lavelle property, that between their pond and the capacity of storm sewer, Lavelle could do their expansion; however also felt time is running out if things aren't expedited.

Alderman Preusker questioned why Ardagh hasn't been involved. Walters replied that up until recently, sufficient data from Ardagh wasn't available; however due to changes, in the past two weeks Ardaugh is now connected to SWRPC and we hope to have updated information soon. Walters also stated that although this a private matter, the City with the assistance from the State, is committed to seeing Lavelle and all the other very important businesses located in this corridor to remain in the City of Burlington.

Attorney Bjelajac stated that the City is actively focusing on the problem and has the full intent to keep all stakeholders involved in further talks in hopes to find a solution.

8. **ADJOURNMENT**

Motion: Alderman Rauch. Second: Alderman Schultz. With all in favor, the meeting adjourned at 8:36 p.m.

Minutes respectfully submitted by:

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Diahnn C. Halbach  
City Clerk  
City of Burlington